
**CITY OF TEMPE
HEARING OFFICER**

Meeting Date: 5/07/2019

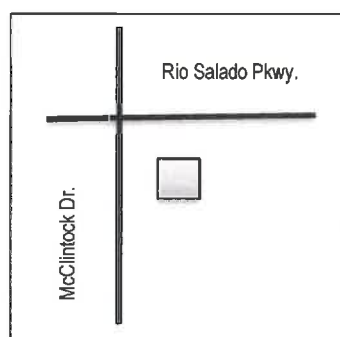
Agenda Item: 8

ACTION: Request approval to abate public nuisance items at the Quemado 109 Perry Property located at 109 S. Perry Lane. The applicant is the City of Tempe – Code Compliance.

FISCAL IMPACT: \$890.00 for abatement request, remove all weeds and debris from the property.

RECOMMENDATION: Staff – Approval of 180 day open abatement

BACKGROUND INFORMATION: City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the QUEMADO 109 PERRY PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CM190069: remove all weeds and debris from the property.



Property Owner	Quemado Partners LLC
Applicant	City of Tempe – Code Compliance
Zoning District:	PCC-2, Planned Commercial Center General
Code Compliance Inspector:	Marvin White, Code Inspector

ATTACHMENTS: Supporting Attachment

STAFF CONTACT: Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

COMMENTS:

Code Compliance is requesting approval to abate the Quemado 109 Perry Property located at 109 S. Perry Lane, in the PCC-2, Planned Commercial Center General district. This case was initiated 01/16/2019, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

HISTORY & FACTS:

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.

ABATEMENT



Tempe



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE

CORRECTION NOTICE

01/16/19

QUEMADO PARTNERS, L.L.C.
ATTN: OWNER
17929 N. 99TH ST.
SCOTTSDALE, AZ. 85255

Case #: CM190069

Site Address: 109 S. PERRY LN. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 01/30/19

This is a notice to inform you that this site was inspected on 01/16/19 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.B.8	Site not maintained overgrown weeds and debris.

<u>SECTION</u>	<u>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</u>
CC 21-3.B.8	Maintain site and rake and remove all overgrown weeds and debris from all dirt and gravel areas.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: 480-350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Sections 21-3, Subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, Subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation. | The City has the authority to abate the violations should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The City prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these Codes.

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$ 75.00 pursuant to City Code Section 21-51, subsection (b).



COMMUNITY DEVELOPMENT DEPARTMENT
CODE COMPLIANCE

FINAL CORRECTION NOTICE

02/05/19

QUEMADO PARTNERS, L.L.C.
ATTN: JEFFREY C. SCANION
17929 N. 99TH ST.
SCOTTSDALE, AZ. 85255

Case #: CM190069

Site Address: 109 E. PERRY LN. TEMPE, AZ.

SITE REINSPECTION ON OR AFTER: 02/19/19

This is a notice to inform you that this site was inspected on 02/05/19 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or Nuisances and Property Enhancement Ordinance, Chapter 21, Article I and/or II of the City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

<u>SECTION</u>	<u>VIOLATION</u>
CC 21-3.B.8	Site not maintained overgrown weeds and debris.

<u>SECTION</u>	<u>PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION</u>
CC 21-3.B.8	Maintain site and rake and remove all overgrown weeds and debris immediately or a citation will be issued and the site abated and a lien placed.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

Marvin White
Code Inspector II

Direct: 480-350-8966
Code Compliance: 480-350-8372
Email: marvin_white@tempe.gov

Civil and Criminal Penalties

City Code Section 21-3, Subsec (b) 1-8, 17-19 and 21; Sections 21-4; Sections 21-13; Section 21-24; section 21-38, Subsec (a-k) and (m-q): 1st occurrence \$200 per violation, 2nd occurrence \$300 per violation, 3rd occurrence \$400 per violation | Sections 21-31, 21-32, 21-33, 21-35, 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation | Sections 21-3, Subsections (b) 9-16 and 20; Sections 21-34, 21-37; Section 21-38, Subsection (l): 1st occurrence \$400 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-4 (b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Section 21-25: \$1,050 per violation. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation. | The City has the authority to abate the violations should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The City prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these Codes.

Please Note: In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$ 75.00 pursuant to City Code Section 21-51, subsection (b).



COMMUNITY DEVELOPMENT Code Compliance

Enforcement

CM190069

QUEMADO PARTNERS, L.L.C. / OVE

Description of Work:

VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS PHOTOS TAKEN
VIOLATION LETTER MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.

Project Address:

109 S PERRY LN

Marvin White	1/17/2019	VISITED SITE AND NOTICED OVERGROWN WEEDS AND DEBRIS PHOTOS TAKEN VIOLATION LETTER MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.
Marvin White	2/5/2019	VISITED SITE AND NO CHANGE NOTICED FINAL CERTIFIED VIOLATION LETTER MAILED TO THE PROPERTY OWNER. WILL FOLLOW UP.
Marvin White	2/22/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	2/26/2019	VISITED SITE AND NO CHANGE NOTICED CONTACTED THE REALTOR A MESSAGE WAS LEFT TO CALL ME. WILL FOLLOW UP.
Marvin White	3/6/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	3/14/2019	VISITED SITE AND NO CHANGE NOTICED. WILL FOLLOW UP.
Marvin White	3/20/2019	VISITED SITE AND NO CHANGE NOTICED PHOTOS TAKEN CITATION ISSUED AND MAILED CERTIFIED TO THE PROPERTY OWNER ALONG WITH NOTICE OF INTENT TO ABATE AND POSTED TO PROPERTY. WILL FOLLOW UP.

CASE # CM190069



NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 03/20/2019

QUEMADO PARTNERS, L.L.C.
ATTN: JEFFREY C. SCANION
17929 N. 99TH ST.
SCOTTSDALE, AZ. 85255

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

Legal: BOOK, MAP, PARCEL, AS RECORDED WITH THE MARICOPA COUNTY ASSESSOR.

Location: 109 S. PERRY LN. TEMPE, AZ. 85281

This office will submit this complaint to the Development Services Abatement Hearing Officer to be placed on the Hearing Officer agenda of **05/07/2019**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of:

- **REMOVE ALL OVERGROWN WEEDS AND DEBRIS FROM PROPERTY.**
-
-

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$890.00 in addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property if the public nuisance is abated by the City.

If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Inspector: MARVIN WHITE

Phone Number: (480)350-8966

E-mail: marvin_white@tempe.gov

HAMANN ENTERPRISES, LLC

2925 N 19TH AVE UNIT 97

PHOENIX, AZ 85015

(602) 575-4455

hamannenterprises@yahoo.com

THE FOLLOWING DOCUMENT IS FOR:

NAME: MARVIN WHITE

FIRM: CITY OF TEMPE

DATE: 3/11/19

PROPOSAL

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE
UNDER CONTRACT # T18-011-03

ADDRESS: 109 S PERRY LN

1	REMOVAL OF TALL WEEDS, GRASS AND DEBRIS	\$840.00
2	ESTAMATED DUMP FEES	\$50.00
3		\$0.00
4		\$0.00
5		\$0.00
6		\$0.00
TOTAL COST OF JOB		<hr/> \$890.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN

Arizona Traffic Ticket and Complaint

City of Tempe
Maricopa County
State of Arizona



Complaint Number 1619642		Case Number		Social Security Number		Military		<input type="checkbox"/> Serious Physical Injury		<input type="checkbox"/> Accident <input type="checkbox"/> Fatality		<input type="checkbox"/> Commercial <input type="checkbox"/> Haz. Material			
Driver's License No.				DLP <input type="checkbox"/>		State		Class		Endorsements M H N P T X D				Incident Report Number CM190069	
Defendant		Name (First, Middle, Last) JEFFERY C. SCANTON										Juvenile			
Residence Address, City, State, Zip Code										Residence Phone No.					
Sex	Height	Weight	Eyes	Hair	Origin	Date of Birth	Restrictions								
Business Address, City, State, Zip Code 17929 N. 99TH ST. SCOTTSDALE, AZ. 85255										Business Phone No.					
Vehicle		Color	Year	Make	Model	Style	License Plate		State	Expiration Date					
Registered owner & address, City, State, Zip Code								Vehicle Identification Number							
The Undersigned Certifies That:															
On	Month 3	Day 20	Year 19	Time 800	<input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Speed	Approx.	Posted	R & P	Speed Measurement Device <input type="checkbox"/> Radar <input type="checkbox"/> Laser <input type="checkbox"/> Pace			Direction of Travel		
At	Location 709 S. PERRY LN. TEMPE, AZ. 85281						<input checked="" type="checkbox"/> Tempe			State of Arizona			Area Dist.		
The Defendant Committed the Following:															
A	Section: CC 21-34		ARS Violation: 21-3.0-8 OVERGROWN WEEDS DECK		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input checked="" type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense						
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:								
MVD															
B	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense						
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:								
MVD															
C	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense						
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:								
MVD															
D	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense						
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:								
MVD															
E	Section:		ARS Violation:		<input type="checkbox"/> Domestic Violence Case		<input type="checkbox"/> Criminal <input type="checkbox"/> Criminal Traffic		<input type="checkbox"/> Municipal Code <input type="checkbox"/> Civil Traffic <input type="checkbox"/> Petty Offense						
	Docket Number		Disp. Code:		Date of Disposition:		Sanction:								
MVD															
You must appear on the date and time indicated at:		Tempe Municipal Court 140 E. 5th Street Tempe, AZ 85281 Court No. 0753		<input checked="" type="checkbox"/> Traffic Court		Date: 4-3-19		Time: Between 9AM & 4PM							
				<input type="checkbox"/> Criminal Court		Date: _____		Time: _____ <input type="checkbox"/> AM <input type="checkbox"/> PM							
				Court:		Date:		Time:		<input type="checkbox"/> AM <input type="checkbox"/> PM		Court No.			
Court Address, City, State, Zip Code															
Criminal: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed hereon.						Victim? <input type="checkbox"/> Victim Notified? <input type="checkbox"/>									
Civil: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.						I certify that upon reasonable grounds I believe the defendant committed the act described contrary to law and I have served a copy of this complaint upon the defendant.									
X						Complainant <i>[Signature]</i>				PSN 7004					
Comments: Juvenile Notification: Failure to appear or comply as ordered will result in a suspension of your driver's license/driving privileges until you comply or reach your 18th birthday. Initials _____															
FIRST OFFENSE \$170.00 3-20-19 Date issued if not violation date															

CERTIFIED COPY MAILED TO PROPERTY OWNER

COMPLAINT

If the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount.



1619642

DATE: March 20, 2019
TO: Jeff Tamulevich, Code Compliance Manager
FROM: Marvin White, Code Inspector
SUBJECT: CM190069 / Quemado Partners, L.L.C. / Property Abatement

LOCATION: 109 S. PERRY LN. Tempe, AZ 85281
LEGAL: Book, Map, Parcel, as recorded with the Maricopa County Assessor
OWNER: Jeffrey C. Scanion
17929 N. 99TH St.
Scottsdale, AZ. 85255

FINDINGS:

See Attached.

RECOMMENDATIONS:

I recommend a 180-day abatement of the property located at 109 S. Perry Ln. since the property owner Quemado Partners, L.L.C. has failed to bring the property into compliance with the City of Tempe Nuisance Code and the property has become blight on the neighborhood.

Thank you,

Marvin White
Code Inspector II

ACTION TAKEN: SUBMIT
NAME [Signature]
DATE: 3 21 19

132-38-007 Land Parcel

This is a land parcel located at [109 S PERRY LN TEMPE 85281](#). and the current owner is QUEMADO PARTNERS LLC. Its current year full cash value is \$182,800.

Property Information

109 S PERRY LN TEMPE 85281

MCR #

Description: S 60' OF BEG NW COR NE4 SW4 TH S 52 YDS E 70 YDS N 52 YDS W
70 YDS TO BEG EX W 30' RD .25 AC

Lat/Long [33.42886240 | -111.90470918](#)

Lot Size 10,890 sq ft.

Zoning PCC-2

Lot #

High School District TEMPE UNION #213

Elementary School District TEMPE ELEMENTARY SCHOOL DISTRICT

Local Jurisdiction TEMPE

S/T/R 13 1N 4E

Market Area/Neighborhood 02/004

Subdivision (0 Parcels)

Owner Information

QUEMADO PARTNERS LLC

Mailing Address 17929 N 99TH ST, SCOTTSDALE, AZ 85255

Deed Number [170785862](#)

Last Deed Date 10/23/2017

Sale Date n/a

Sale Price n/a



Feature Information

(1 of 2)

[Clear ?](#)

132-38-007

Owner Information

Owner Name: QUEMADO PARTNERS LLC
Property Address: 109 S PERRY LN TEMPE 85281
Mailing Address: 17929 N 99TH ST SCOTTSDALE AZ 85255
Deed Number: 170785862
Sale Date:
Sale Price: \$

Property Information

Lat/Long: 33.428882, -111.904359
S/T/R: 13 1N 4E
Jurisdiction: TEMPE
Zoning: PCC-2
PUC: 0032
Lot Size (sq ft): 10,890
MCR #:
Subdivision:
Lot #: 1
Floor:
Construction Year:
Living Space (sq ft):

Valuation Information

Tax Year: 2020
FCV: \$182,800 \$148,600



